



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-0078

January 6, 2004 ~~5~~ ^{SEH}

Russell Freeman, Sr
29 Depot Street
Weare, NH 03281

RE: DES Wetlands File #2004-02783 29 Depot St, Weare

Dear Mr. Freeman:

On November 15, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Weare Tax Map 412 as Lot 124 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 25 ft x 65 ft area of wetland and associated intermittent stream was filled;
2. No erosion controls protecting wetland from adjacent fill; and
3. Turbidity in surface water of the wetland.

In response, you are requested to take the following restoration actions:

1. Immediately install a silt fence between the undisturbed wetland and the fill to prevent further erosion of fill into the wetland. The silt fence shall be dug in properly (see attached erosion information sheet). The ends of the silt fence shall curve upslope so as not to allow water to find its way around the fence (see attached site sketch). The silt fence shall be maintained until the site is restored, revegetated, and stabilized.
2. Immediately mulch the entire area of exposed fill with straw, 70 to 90 lbs per 1,000 sq ft, to prevent further erosion of fill into the wetland. Do not use hay as it may be seeded with nuisance species.
3. Tack the straw down. This may be done by anchoring a jute or fibrous matting over the straw, pinning mulch netting over the straw, placing brush over the straw, or by weaving twine around pegs driven into the ground.
4. Mulch netting shall be pinned to secure mulch on the slope directly adjacent to the wetland.
5. By **January 20, 2005**, send photographs mounted on 8.5" x 11" white paper documenting that #1 and #2 have been completed.
6. Remove the fill material from the wetland to the level of hydric soils (dark soils) in an area measuring 25 ft in depth and 65 ft in length running along a barbed wire fence (see attached site sketch).
7. Place fill out of jurisdiction (e.g. wetlands and streams) and away from steep slopes and impervious surfaces. If the fill pile is to remain on site, install silt fence around the fill pile to contain erosion from heavy precipitation.

8. Once the fill in the wetland is removed, install an additional silt fence between the remaining fill in the upland and the exposed wetland soils (see attached site sketch). The silt fence shall be maintained until the site is revegetated and stabilized.
9. Immediately seed the exposed wetland soils with a wetland seed mix according to manufacturer's specifications and mulch the exposed wetland soils with straw. Tack the straw if the growing season has not started or the ground is dry.
10. Cut the bank of the remaining fill adjacent to the wetland to a 3:1 (33%) slope (see attached slope information sheet).
11. Loam (place topsoil) and seed the bank and all exposed upland soils with a native upland seed mix.
12. Immediately after seeding, mulch the exposed soils with hay. Tack the straw if the growing season has not started or the ground is dry.
13. If necessary, additional erosion controls shall be used to prevent any further disturbance to jurisdictional areas.
14. Monitor erosion controls for effectiveness after 0.5" storm events and immediately repair controls if necessary.
15. Send photographs documenting the completion of #4 - #9, and receipts for seed mixes and straw, to my attention at DES by **May 1, 2005**.
16. Send photographs mounted on 8.5" x 11" white paper documenting revegetation of the restored wetland and stabilization and revegetation of uplands by **June 1, 2005**. A 75% establishment of wetlands vegetation is considered successful.
17. If 75% of wetlands vegetation is not successfully established and/or the upland soils are not stabilized the areas shall be replanted immediately until a functional wetland is established to the satisfaction of the DES Wetlands Bureau and the site is stabilized. Photographs mounted on 8.5" x 11" white paper documenting the state of the site shall be submitted on the first of every month during the growing season until revegetation is successful and stabilization is achieved.
18. Contact the Wetlands Bureau if invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) are found in the restoration areas during construction and during the early stages of vegetative establishment so measures to control the issue may be agreed upon by the Wetlands Bureau.
19. Remove the silt fences once the area is stabilized and revegetated.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter or please contact Stacey Herbold at (603) 271- 4062.

Sincerely,

COPY
Coris G. Adams, CWS
Administrator
Wetlands Bureau

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Weare Conservation Commission
Weare Board of Selectmen
USACOE